

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED
DEC 01 2016
S. Hoffman
CLERK

Request for International Judicial Assistance from the Court of First Instance Trial Court No. 2 in La Orotava, Tenerife, Canary Islands, Spain in Maria del Mar Medina Montanez v. David Mora Fumero, Ref. No. 348/2013

No. 16-mc-49

DECLARATION OF ASSISTANT UNITED STATES ATTORNEY
ANN M. HOFFMAN

I, Ann M. Hoffman, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am an Assistant United States Attorney in the Office of the United States Attorney for the District of South Dakota, counsel for the United States of America (the "Government"). I make this declaration upon information and belief based upon the attached exhibits and communications with personnel in the United States Department of Justice, to which a letter of request for judicial assistance pursuant to The Hague Evidence Convention has been transmitted for execution. I make this declaration in support of the Government's request, pursuant to 28 U.S.C. § 1782(a), for an order appointing me as a Commissioner for the purpose of obtaining certain bank account information from Citi Personal Wealth Management.¹

¹ Section 17082(a) provides, in pertinent part, as follows:

(a) The district court of the district in which a person resides or is found may order him to give his testimony or statement or to produce a document or other thing for use in a proceeding in a foreign or international tribunal, including criminal investigations conducted before formal accusation. The order may be made pursuant to a letter rogatory issued, or request made, by a foreign or international tribunal or upon the application of any interested person and may direct that the testimony or statement be given, or the document or other thing be produced, before a person appointed by the court. By virtue of his appointment, the person appointed has power to administer any necessary oath and take the testimony or statement. The order may prescribe the practice and procedure, which may be in whole

2. In connection with a civil judicial proceeding in that court captioned Maria del Mar Medina Montanez v. David Mora Fumero, Ref. No. 348/2013, the Court of First Instance Trial Court No. 2 in La Orotava, Tenerife, Canary Islands, Spain ("the Spanish Court") issued a letter rogatory request seeking information from representatives of Citi Personal Wealth Management. A true and correct copy of the letter of request is attached as Exhibit A.

3. The specific information requested by the Spanish Court is reflected in a subpoena addressed to Citi Personal Wealth Management, which the Government intends to serve upon my appointment as Commissioner. A copy of the proposed subpoena is attached as Exhibit B.

4. In order to assist the Spanish Court in obtaining the requested information, I respectfully request that this Court enter the proposed order appointing me as Commissioner, filed herewith. No previous application for the relief sought herein has been made.

I declare under penalty of perjury that the foregoing is true and correct.

WHEREFORE, the United States of America respectfully requests that this Court enter the order filed herewith.

or in part the practice and procedure of the foreign country or the international tribunal, for taking the testimony or statement or producing the document or other thing. To the extent that the order does not prescribe otherwise, the testimony or statement shall be taken, and the document or other thing produced, in accordance with the Federal Rules of Civil Procedure.

Respectfully submitted this 28th day of November, 2016.

RANDOLPH J. SEILER
United States Attorney



ANN M. HOFFMAN
Assistant United States Attorney
P.O. Box 2638
Sioux Falls, SD 57101-2638
Telephone: (605)357-2363
Facsimile: (605)330-4410
E-Mail: ann.hoffman@usdoj.gov